



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lobb et al.
Serial No. : 09/251,073
Filed : February 16, 1999
Title : TREATMENT FOR ASTHMA

Art Unit :
Examiner :

BOX MISSING PARTS

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

In response to the Notice to File Missing Parts of Application under 37 CFR §1.53(b) mailed October 4, 2000 (copy enclosed), applicant as a large entity submits herewith the following:

- Payment of the basic filing fee of \$710;
- Payment of the additional/multiple dependent claims fees of \$250; and
- Check in payment of \$130 surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application.

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

November 21, 2000

Date of Deposit

Sandra Sturtevant

Signature

Sandra Sturtevant

Typed or Printed Name of Person Signing Certificate

Applicant : Lobb et al.
Serial No. : 09/251,073
Filed : February 16, 1999
Page : 2

Attorney's Docket No.: 10274-003003

Respectfully submitted,

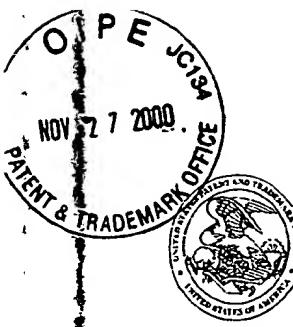
Date: November 21, 2000

Diane Colyer Reg. No. 46,635

Louis Myers
Reg. No. 35,965

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/251,073	02/16/1999	ROY R. LOBB	10274/003000

P Louis Myers
 Fish & Richardson P C
 225 Franklin Street
 Boston, MA 02110-2804

FORMALITIES LETTER



OC000000005452966

Date Mailed: 10/04/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 760 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$246.
 - \$90 for 5 total claims over 20.
 - \$156 for 2 independent claims over 3 .
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1136.

*A copy of this notice **MUST** be returned with the reply.*

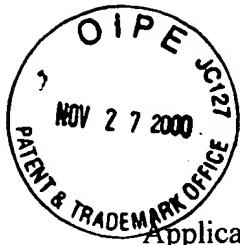


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

00000053 09251073
 11/29/2000 HNDRR1
 01 FG:101
 02 FC:105
 03 FC:102
 04 FC:103



Attorney's Docket No.: 10274-003003

Receipt

FILE COPY

RECEIVED
TECH CENTER 1600/2800
FEB 13 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lobb et al.
Serial No. : 09/251,073
Filed : February 16, 1999
Title : TREATMENT FOR ASTHMA

Art Unit :
Examiner :

Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

Please correct the Filing Receipt for the above-referenced application to replace the currently listed priority information with:

This application no. 09/251,073 is a CON of 08/822,830
which is a CON of 08/456,193, filed 05/31/95, which is abandoned,
which is a CIP of 08/374,331, filed 01/18/95, which is abandoned,
which is a CIP of 08/256,631, filed 12/01/94, which is abandoned,
which is a CIP of PCT/US93/00030, filed 01/12/93,
which is a CIP of 07/821,768, filed 01/13/92, which is abandoned.

Please supply a corrected Filing Receipt to the undersigned with respect to this application. A copy of the original Filing Receipt is attached for your convenience.

No fee is believed to be due. If, however, there are any charges or credits, please apply them to Deposit Account No. 06-1050.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

November 21, 2000
Date of Deposit

Sandra Sturtevant
Signature

Sandra Sturtevant
Typed or Printed Name of Person Signing Certificate

Applicant : Loëb et al.
Serial No. : 09/251,073
Filed : February 16, 1999
Page : 2

Attorney's Docket No.: 10274-003003

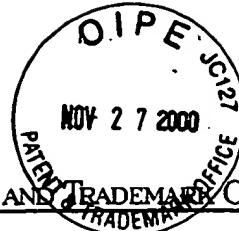
Respectfully submitted,

Date: November 21, 2000

Diane Colby Reg. No. 46,635
for Louis Myers
Reg. No. 35,965

Fish & Richardson P.C.
225 Franklin Street
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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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RECEIVED

FEB 12 2001

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/251,073	02/16/1999	1614	0	10274/003000	12	25	5

003003

FILING RECEIPT



OC00000005452965

P Louis Myers
Fish & Richardson P C
225 Franklin Street
Boston, MA 02110-2804

Date Mailed: 10/04/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

ROY R. LOBB, WESTWOOD, MA ;
LINDA C. BURKLY, WEST NEWTON, MA ;

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CIP OF 08/374,331 01/18/1995 ABN
WHICH IS A CIP OF 08/256,631 12/01/1994 ABN
WHICH IS A CIP OF PCT/US93/00030 01/12/1993
THIS APPLICATION 09/251,073
IS A CIP OF 07/821,768 01/13/1992 ABN

Docketed By Practice Systems
Action Code: <u>COLLECT OFFR</u>
Base Date: <u>10-4-00</u>
Due Date: <u>11-4-00</u>
Deadline: <u>~</u>
Initial: <u>JMG</u>

Foreign Applications

If Required, Foreign Filing License Granted 03/11/1999

RECEIVED

OCT 12 2000

FISH & RICHARDSON, P.C.
BOSTON OFFICE

Title

TREATMENT FOR ASTHMA

Preliminary Class

514

Docketed By Billing Secretary
Due Date: <u>11-4-00</u>
Deadline: <u>11-4-00</u>
Initials: <u>S2S</u>

Data entry by : DIXON, DOROTHY

Team : OIPE

Date: 10/04/2000





**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231